IMPEACHMENT.

CONTINUED FROM THIZD PAGE.

nder which Lorenzo Thomas was arrested? A.

nder which Lorenzo Thomas was arrested? A. Yes, sir (producing papers).

Q. The original paper? A. The original paper.

Q. Did you amk the Seal of the court to the warrant? A. 4 did.

Q. On what day? A. On the 22d of February last.

Q. At what hour of the day? A. It was between two and three o'clock on the morning of that day.

Q. At what place? A. At the Cierk's office.

Q. Who brought that warrant to you? A. I don't know the gentleman who brought it to me; he said that he was a member of Congress—Mr. Pile, of Missouri.

Q. He brought it to your house at that hour of the Q. He brough it to your noise at that hour of the norming? A. Yes, sir.
Q. And you went then to the Clerk's office? A. I rent then to the Clerk's office and affixed 'he seal.
Q. To whom did you deliver the warrant? A. To Mr. Pile.
Q. The Marshal was not there at that time? A.

o, sir.
Q. Hav you got the warrant there? A. Yes, sir.
Q. Did you bring the affi lavit upon which it was unded, or did you get that afterwards? A. I beyed I have got all the papers.
Q. Is that the affidavit (showing papers)? A. That of, is that the andavit (showing papers)? A. That is the affidavit.

Mr. BUTLER (after examining the paper)—Mr. Fresident, before the counsel for the President offer the affidavit and warrant in evidence, I would like to ask the witness a question, if it is in order. (To the witness.) You say that you affixed the seal about two o'clock in the morning, if I understand you? A. Between two and three o'clock in the morning.

morning.

Q. You were called upon to get up and do that? A. I was.

Q. And in a case where a great crime is committed, and when it is necessary to stop the further progress of the crime, that is not unusual? A. Where it was necessary to prevent a crime I have done the same thing in habeas corpus cases and in one replevin case, I think.

Q. Where it is a matter of consequence do you do that? A. Yes, sir.

Q. The is nothing unusual for you to do that in such cases? A. It is unusual; I have done it.

By Mr. Standern-liave you been often called upon to do it? A. Only in extreme cases.

Mr. BUTLER—I have the honor to object to the warrant and affidavit of Mr. Stanton. I do not think Mr. Stanton can make testimony against the President or for him by any affidavit he can put in in any proceeding between him and Lorenzo Thomas. I do not think the warrant is relevant to this case in any form. The fact that Thomas was arrested can be shown, and that is all. The affidavit upon which he was arrested is certainly resinter alias. That is a matter between Thomas and the President, and this is between Thomas and the President, and this is between Thomas and Stanton, and in no view is it pertinent or relevant to this case, or competent in any form so far as I am instructed.

Mr. BVARTS—Mr. Chief Justice, the arrest of General Thomas has been shown in the testimony, and they argue, I think, in their opening the intention to use force to take possession of the War Office. We now propose to show what that arrest was in the form and substance by the authentic documents of it through the warrant and the affidavit on which it was based. The affidavit of course does not prove the facts stated in it, but the proof of the affidavit in which it was based. The infidavit of course does not prove the facts stated in it, but the proof of the affidavit in which it is show the facts upon which as a judicial foundation the warrant proceeded. We then propose to follow this opening by showling how it took place and how the citoris were made in be

Mr. Evalers—You have a right to your own conclusions from it.

Mr. Butler.—Not from the conclusions; but, I think, nothing more clearly shows that it cannot be evidence than that fact. Now, this was not an attempt of the President to get this matter before the court; it was an attempt of Mr. Stanton to protect himself from violence which had been threatened before. This was made at night. Stanton was informed, if we may judge from the evidence, of the threats made to Messrs. Wikinson and Burleigh, and the threats made to Messrs. Wikinson and Burleigh, and the threats made at Wilard's Hotel. Being informed of it, he did not know at what hour this man might bring his masqueraders upon him; and, thereupon, he tried to protect himself. How that relieves the President from crime because Stanton arrested Thomas, or Thomas arrested Stanton, is more than I can see. Suppose Stanton had not arrested Thomas, would it show that the President is not guilty here? Suppose he did arrest him, does it show that he is guilty? Is it not restinter atias—acts done by other parties? We only advorted to the arrest of show what effect it had upon his crime.

Mr. Evalurs—It has already been put in proof by General Thomas that he went to the court upon this arrest, and that the President immediately replied that that was as he wished it to be—to get the question in the courts. Now, I propose to show that this late question that was in the court—to wit, the question of the criminality of a person accused under this Civil Tenure act—and I then propose to sustain the answer of the President, and also the sincerity and substance of this his statement, already in evidence, that this proceeding having been commenced, as it was by Mr. Stanton, against General Thomas, was immediately taken hold of as the speed inder this Civil Tenure act—and I then propose to sustain the answer of the President, and also the sincerity and substance of this his statement, already in evidence, that this proceeding having been commenced, as it was by Mr. Stanton, a

Mr. Butler.—Perhaps that would be a good answer; but whether it is necessary or not, is it not soy is there a lawyer enywhere that does not understand and does not know that proceedings between two other persons after a crime as committed were never brought into a case to show that the crime was not committed? Did he see that amidavit? Never. Did he know what was in it? No. All he knew was that his name was carried into court under a process. He never saw a paper, he did not know what was the evidence; but Thomas went and told him, "They have arrested me." He said, "That's where I want it to be—in the courts." This adidavit of Mr. Stanton is excellent reading. It shows the terror and alarm of this good District of Columbia when at night men well known to be men of continency and sobriety, representing important districts in Congress, saw it was their duty to call upon the venerable clerk of the court at night to get a warrant and take inmediate means to prevent the consummation of this crime. It shows the terror and sature that the unauthorized, illegal and criminal acts of this respondent produced. That is all in it undoubtedly; that is all in the affidavit undoubtedly; that is all in the panoply of attack or defence in his Attorney General, he never brought a writ of quo tearranto or any process. All that might uppear we should be compelled to have il in, provided it does not open up into regions of unexplored, uncertain, diffuse, improper evidence upour collateral issues. If you are realy to go into it I am; but I say it does not belong to this case. It him we can make quite as much of it as they can, but it is no portion of this case. It is not the act of the President; the President in ever saw these papers. It is not the law for the president; the Breadent never saw these papers. It is not dividence.— What Stanton and Thomas did they themse

the question of flut law to the consideration of the courts. That is already in evidence, but as to that the Managers say that it is all a pretence, a subterfuge.

Mr. STANDERY—In the speech of the henorable Manager who opened this case.

Mr. STANDERY—In the speech of the henorable Manager who opened this case.

Mr. BUTLER—If you put my speech in evidence I have no objection.

Mr. STANDERY—And here the gentleman has repeated that this is all a pretence, that it is a subterfuge, an attenthought, a mere scheme on the part of the President to avoid the consequences of an act done with another intent. Again, upon his intentions with regard to the occupation of that office by Thomas; they have sought to prove that the intentions of the President were not to appeal to the law, but to use threats, intimidations and force; and now all the declarations of Thomas as to this purpose of intimidation or force the Scaate has admitted in evidence against the President, on the mere declarations of Thomas of his purentions to enter that office by force or intimidation, and they are to be considered as declarations of the President. If the gentlemen think that was sought by the respondent, the prompt arrest of Thomas the next morning was the only thing that prevented he accomplishment of the purpose that was sought by the respondent, the prompt arrest of Thomas the next morning was the only thing that prevented he accomplishment of the purpose that was in the mind of the President and General Thoma. Who calls that a subterfuge? Now we wish to show by this proceeding, got up at midnight, as the learned Manager says, in view of a great crime just committed, or about to be committed pos up under the most pressing necessity, with a judge, as the learned Manager says, in view of a great crime just committed or about to be committed got up at midnight, as the learned Manager says, in view of a great crime just committed or real, on the part of Mr. Stauton, to gvoid the use of force and inhumination in his removal from office, we shall

corpus. It was not und that was genounced that this act—criminal a t—was announced. On the contrary, the counsel for Mr. Stanton say this great criminal had been kept in bond for good behaviour. We expressly council, not that he should give bonds

Mr. Stanberry—Then Stanton took a drink with the great criminal?

Mr. BUTLER—He took a drink with he President's tool, that's all. The thing was settled. The poor old man came and complained that he hadn't had anything to eat or drink, and in tender mercy Stanton gave him something to drink. He says from that hour he never had any idea of force. Now, I want to call the attention of the Senate to another fact, and that is that they did not bind him to keep the peace. He said he was not told to keep the peace. He said he was not told to keep the peace. He said it was necessary for him to make that point, and he said the Judge told him "This don't interfere in any way with your duties as Secretary of War." But there is still another point. This unconstitutional law has been on the statute book since a year ago last month, and the learned Attorney General who sits before me has never put in a quo varranto.

Mr. BURLER — I have never heard of it; but it will

a quo varranto.

Mr. Stanebry attempted to say that he had prepared a quo varranto.

Mr. BUTLER—I have never heard of it; but it will be the drat exhibition that was ever made before a court of the United States. Where is there a quo varranto filed in any court? Where is the proceeding taken under it? and I put it to him as a lawyer. Did he ever take one? He is the only man in the United States that could file a quo varranto, and he knows it. He is the only man that could initiate this proceeding, and yet it was not done; and he comes and talks about putting in the quarrefs of Mr. Stanton and General Thomas, which are resinter alias in this matter. They have nothing more to do with this case than the fact which the President, with the excellent taste of his counsel, put in evidence, against my objection, that Mr. Stanton had, when this man was suffering from want of a breakfast, given him a drink.

The offer of the affidavit, &c., was put in writing and read by the clerk, and the Chief Justice was understood to decide that it was admissible.

Mr. BUTLER—Does your Honor understand that the affidavit is admitted?

The CHIEF JUSTICE—Yes.

Mr. BUTLER—Does your Honor understand that the affidavit is admitted?

The CHIEF JUSTICE—Yes.

Mr. BUTLER—I heard one Senator ask for the question.

The CHIEF JUSTICE inquired if any Senator asked

The CHIEF JUSTICE inquired if any Senator asked for the question?

The CHIEF JUSTICE inquired if any Senator assect for the question? Senator Conness replied in the affirmative. The CHIEF JUSTICE stated the question to be on the admission of the addiavit and warrant, and they were admitted by the following vote:—

YEAS—Senators Anthony, Buckalew, Cattell, Cole, Corbett, Cragin, Davis, Dixon, Doolittie, Pessenden, Fowler, Frelinghaysen, Grimes, Henderson, Hendricks, Johnson, McCreery, Morrill of Me., Morrill of V., Morton, Norton, Patterson of N. H., Patterson of Tenn., Pomeroy, Ross, Sherman, Summer, Trumbull, Yau Winkle, Vickers, Willey, Williams and Yates—33.

NAYe—Senators Cameron, Chandler, Conklin, Conness, Drake, Edmunds, Perry, Harlan, Howard, Howe, Morgan, Nye, Pomeroy, Stewart, Thayer, Tipton and Wilson—17.

The naners were then read in evidence.

The papers were then read in evidence.

Question by Mr. Stanberry. I see this is the
Judge's warrant at Chambers? A. Yes sir.

Q. Are you in the habit of keeping any records
o her than filing the papers, or did you make any
records further than filing the papers on that proceeding?

The witness was undersective.

Q. Has this defendent been discharged?

Mr. BUTLER—That appears from the record.

Witness—The record shows that; the docket of the
Court—the recognisance of the Court shows it,
Q. You make no record of these papers? A. No,
sin they are filed.

Q. You make no record of these papers? A. No, sir, they are filed.
Q. Have you got your docket with you? A. No, sir, the subpoena did not require it.
Mr. Stanbery (as witness was leaving the stand)—Will you bring the docket that contains this evidence?
Witness—Yes, sir.
Mr. BUTLER—Won't you extend the record so far as you can and bring up a certified copy of this case? Witness—Yes, wir.
GENERAL SHERMAN AGAIN ON THE STAND.
Mr. STANBERY then called Mr. James O. Clephane, but Senator Johnson sent to the chair the following question to be put to General Sherman, who then resumed the stand:—"When the President tendered you the office of Secretary of War ad interim, on the 27th day of January, 1868, and on the 31st of the same month and year, did he at the very time of making such tender state to you what his purpose in so doing was?"
Mr. BINGHAM objected to the question as being in-

such tender state to you what his purpose in so doing was?"

Mr. BINGHAM objected to the question as being incompotent within ruling of the Senate.

The Chief Justrice put the question to the Senate on the admission, and it was admitted by the following vote:—

YEAS—Senators Anthony, Bayard, Backalew, Cole, Davis, Doolinte, Fessender, Fowler, Fielinghuyen, Grimes, Henderson, Johason, McCreery, Morrill of Me., Morrill of Vt., Morton, Norton, Patierson of Tenn, Ross, Sherman, Sumner, Trumbull, Van Winkle, Vickers, Willey—28.

NAYS—Senators Catleil, Chandler, Conkling, Conness, Corbett, Craqta, Drake, Edmunds, Ferry, Harlan, Howard, Howe, Morgan, Nye, Pomeroy, Ramsey, Stewart, Thayer, Tipton, Williams, Wilson, Yates—22.

The Secretary read, the greation put by Senators

The Secretary read the question put by Senator Johnson. ohnson.

Answer—He stated to me that his purpose—
Mr. BUTLER—Walt a moment. The question is
whether he did state it, not what he said.
Witness—He did.
Mr. STANBERY—What purpose did he state?
Mr. BUTLER—We object, Mr. President; the counsel

Mr. Butlers—We object, Mr. President; the counsel had dismissed this witness.

The Curief Justice decided that it was competent to recall the witness.

Senater Jonsson—I propose to add to the question "if he did, what did he state his purpose was?"

Mr. Bingham—Mr. President, we object. We ask the Senate to answer that the last clause, "what did the President say," is the very question upon which the Senate solemnly decided adversely. The last clause now put to the witness by the honorable Senator from Maryland is, "what did the President say," making the President's declarations evidence for himsels. It was said by my associate in the argument on Saturday that if that method were pursued in the administration of justice and the declarations of the accused were in evidence for himself, at his picasure, the administration of justice would be impossible.

of the accused were in evidence for himself, at his pieasure, the administration of justice would be impossible.

Senator Davis—I rise to a question of order. It is that the learned Manager has no right to object to a question propounded by a member of the court.

Mr. Broham was proceeding to discuss the point when he was interrupted by the Chief Justice, who said that while it was not competent for the Managers to object to a member of the court asking a question, it was, in his opinion, clearly competent to object to a question when asked.

Senator Daaks inquired whether it was competent for a Senator to object to the question being put?

The Chief Justices though not, but said that after it was put it must necessarily depend on the judgment of the court.

Mr. Bingham—Mr. President, I hope I may be pardoned for saying that my only purpose is to object to the question, not to object to the right of the honorable Senator from Maryland to offer the question. The point we raise before the Senate is that it is incompetent for the accused to make his own declarations evidence for himself.

The Chief Justice—Senators, the Chief Justice has already said upon a former occasion that for the purpose of proof of the intent this question is admissible, and he thinks also that it comes within the rule which has been adopted by the Senate as a court for its proceedings. This is not an ordinary court, but a court composed largely of lawyers and gentlemen engaged in business transactions, who are quite competent to weigh the question submitted to them. The Chief Justice thinks it accordance with the rule which the Senate has adopted for themselves, and which he has adopted for its guidance.

Mr. BUTLER—Do I understand the Chief Justice to a the last adopted to the last to the submitted to them.

adopted for themselves, and which he has adopted for his guidance.

Mr. BUTLER—Do I understand the Chief Justice to say that this is preceed; the same question that was ruled upon last hight?

The Chief Justice—The Chief Justice does not undertake to say that. What he does say is that it is a question of the same general import, tending to show the intent of the President in this transaction.

Senator Howe—I wish, if there is any regular mode of doing so, to ascertain another point, and that is whether the fact that this offer was made by the witness on the stand was a fact put in by the defence or the prosecution.

of the prosecution.

The Chief Justice would remain the Senator that the question is not de-

or the prosecution.

The CHIEF JUSTICE—The Chief Justice would remind the Senator that the question is not debatable.

Mr. EVARTS—I may be permitted to state that it is put in by the defence.

Senator Howe—I wish the Chief Justice to understand that it is not debating to ask a question.

The CHIEF JUSTICE—It mily be.

Mr. Howe—It may not be.

The QUESTION as modified was again read.

The CHIEF JUSTICE submitted it to the Senate, and it was admitted by the following vote:—

YEAS—Senators Anthory, Bayard, Buckalew, Cote, Corbett, Davis, Diron, Doomitte, Fessenders, Fowler, Frelinghuysen, Grime, Henderson, Hendricks, Johnson, McGreery, Mortup, Norton, Fatterson of Tenn., Racs, Sherman, summer, Trumchill, Van Wiskle, Vickers and Wiley—28.

NAYS—Senators Cameron, Cattell, Chandler, Conkling, Conness, Gragin, Brake, Edmunds, Ferry, Harian, Howard, Howe, Morgan, Morrill of Me, Morrillo IV. Nye, Patterson of N. H. Fomeroy, Rambey, Stewart, Thayer, Tipton, Williams, Wilson and Yates—28.

The question having been put to the witness, ranging as follows:

The question having been put to the witness, General sherman replied as follows:—
"The conversations were long and covered a great dail of ground, but I will endeavor to be as precise upon the point as possible. The President stated to me that the relations which had grown up between the Secretary of War, Mr. Stanton, and himset;——"
Mr. BUTLER—I must again interpose an objection. The question is for the witness simply to state what the President said his purpose was, and not to introduce his whole declarations. I pray that the point may be submitted to the Senate, whether we will duce his whole declarations. I pray that the point may be submitted to the Sonate, whether we will have the whole of the long conversation between the President and the witness, or whether we shall have nothing but the purpose expressed by the President, Witness—I intended to be very precise in my

that he could not execute the office which he filed as President of the United States without making provision ad interim for the office of Secretary of War, and that he had the right under the law, and that his purpose was to have this office administered in the interests of the army and of the country, and he offered me the office in that view. He did not state to me then that his purpose was to bring it into the courts directly, but for the purpose of having the office administered properly in the interests of the country, and of the whole country. (Sensation in court.) I asked him why lawyers could not make the case? I did not wish to be brought, as an officer of the army, into controversy.

Senator Conkling—Piesse repeat that last answer, General.

Witness—I asked him why lawyers could not make a case and not bring mq, an officer, into the controversy? His answer was that it was found impossible, for that a case could not be made up: "but," said he, "if we could bring the case into the courts it would not stand for an hour."

Mr. Standsky—Have you answered us to both occasions?

Witness—The conversation was very long, and

would not stand for an hour."

Mr. Stanberty—Have you answered as to both occasions?

Witness—The conversation was very long, and covered a good deal of ground.

Mr. Butler—I object to this examination being renewed by the counsel for the President, whatever may be the pretence under which it is renewed. I hold, with due order, that this cannot be allowed. See how it is attempted. Counsel had dismissed the witness; he was gone, and was brought back at the request of one of the judges.

Mr. STANBERY—I must interrupt the learned gentleman to say that we did not dismiss the witness; on the contrary, both sides asked to retain him, the learned Manager (Mr. Butler) saying at the time that he wanted to give him a private examination. (Laughter.)

Mr. BULLER—I must deny that I want a private examination. I say the witness was dismissed from the stand, and was then called back by one of the judges. That is not, in any court wherein I have practised, allowed after the question is put by the judge, for the counsel on either side to assume the examination of the witness after baving dismissed him.

Senator Johnson asked for the reading of the ques-

judges. That is not, in any court wherein I have practised, allowed after the question is put by the judge, for the counsel on either side to assume the examination of the witness after having dismissed him.

Senator Johnson asked for the reading of the questions as proposed by himself, and they were read by the clerk.

The CHIEF JUSTICE—Nothing is more usual in courts of justice than to recall witnesses for further examination, especially at the instance of any member of the court. It is frequently done at the instance of counsel. It is, however, one of those questions properly within the discretion of the court. If the Senate desire it I will put the question to the Senate whether the witness shall be further examined.

Mr. EVARTS—May we be heard upon the subject? The CHIEF JUSTICE—Certainly.

Mr. EVARTS—May we be heard upon the subject? The CHIEF JUSTICE—Certainly.

Mr. EVARTS—May we be recalled is always a question within the discretion of the court, and it is allowed unless there be suspicion of bad faith or unless there be special circumstances where collusion is suspected. Courts frequently may lay down a rule that neither party shall call a witness who has been once dismissed from the stand, and of course we shall obey whatever rule the Senate may adopt in this case, but we are not aware that anything has occurred showing a necessity for the adoption of such a rule.

Mr. BUTLER—When the witness was on the stand Saturday this question was asked of him:—"At that interview what conversation took place between the President and you in relation to the removal of Mr. Stanton?" That question was asked of him:—"At that interview what conversation to have had; and after argument the Senate solemnly decided that it should not be put. That was exactly the same question as this. Then other proceedings were had; and after considerable delay the counsel for the President got up and asked permission to recall this witness this morning. The Senate gave that permission. This morning they recalled the witness and put to

course he was not acting as counsel for the President—that cannot be supposed.

Senator Johnson, rising—What does the honorable Manager mean?

Mr. BUTLER—I mean precisely what I say, that it cannot be supposed that the Senator was acting for the President.

Senator Johnson—Mr. Chief Justice, if the honorable Manager means to impute that in anything I have done in this trial I have been acting as counsel, in the spirit of counsel, he does not know the man of whom he speaks. I am here to discharge a duly and that duty I propose to discharge, I know the man of whom he speaks. I am here to discharge a duly and that duty I propose to discharge, I know the law as well as he does.

Mr. BUTLER—I again repeat, so that my language may not be misunderstood, that it cannot be supposed that he was acting as counsel for the President. Having put the question to satisfy his mind upon something which he wanted to know, how can it be that that opens the case so as to allow the President's counsel to go on to a new examination? How do we know that he is not acting as counsel for the President, and that there is not some understanding between them, which I do not charge? How can the President's counsel know what satisfies the Senator's mind? He recalls a witness for the purpose of satisfying his own mind. I agree that it is common to recall witnesses for something overlooked or forgotten; but I never have known that where a member of the court wants to satisfy hismelf by putting some question that that opens up to the counsel on the other side to put, other questions. The court is allowed to put questions, because a judge may want to satisfy his mind on a particular point; but, having satisfied himself on that particular point; but, having satisfied Mr. Chief Justice, I rise to say that I did not know that the counsel proposed to ask any questions of the witness, a or summer the recails a witness for the purpose of statisfying his own mind. I agree that it is common to recall witnesses for something overlooked or forgotten; but I never have known that where a member of the court wants to satisfy himself by putting some question that that opens up to the counsel on the other side to put other questions. The court is allowed to put questions, because a judge may want to satisfy his mind on a particular point; but, having satisfied himself on that particular point; but, having satisfied himself on that particular point, there is an end of the matter, and it does not open the case. I trust that I have answered the hono able Senator from Maryland, that I make no Imputation on him, but am putting it right the other way.

Senator Davis agid it was impossible for him to reply to that, senator Johnson be read.

The CHIEF JUSTICE said it was impossible for him to reply to that, senator Johnson be read.

They were accordingly read.

With that it was usual under such circumstances to allow counsel to continue the inquiry relating to the same subject matter.

With that I have a made it was impossible for him to reply to that, was impossible for him to reply to that.

They were accordingly

but recognize and periest right to do so and the entire propricity of it.

Mr. Evaris—A moment's consideration, I think, will satisfy the Senate and the Chief Justice that the question is not seriously as to the right to recall a witness, but as to whether a witness having been recalled to answer the question of one of the judges, the counsel on either side is obliged to leave that portion of the evidence incomplete. Some evidence might be brought out which, as it stood naked, might be prejudicial to one side or the other; and certainly it would be competent, under the ordinary rules of examination, that the counsel should be permitted to place the matter before the court within the proper rules of evidence.

Mr. Stanbert—The honorable Senator from Maryland, having put his question to the witness, a new door has been opened which was closed upon us before. New evidence has been gone into which was a conceated book to us, and about which we could neither examine nor cross-examine. It was closed to us by a decision of the court on Saturday; but it is now opened to us by the question of the Senator. Now, is it possible that we must take an answer for better of for worse to a question which we did not put? If in that answer the matter has been condemnatory to the President; if the answer had been that the President told the witness expressly that he intended to violate the law; that he was acting in bad faith; that he meant to use force, are we to be told that because the fact was brought out by a Senator, it incompletes the law that he was acting in bad faith; that he meant secred right of examination? Does the docirne of estopped come in here that, whenever a question is answered on the Interrogatory of a Senator we must take the above a right of the properior of the senator has secred right of examination? Does the docirne of estopped come in here that, whenever a question is answered on the Interrogatory of a Senator has chosen to put in a question. We hold that the door has been opened, that new testimony whic

presumption of his guitt arising from his havin done an unlawful act. I am not sarprised at the feeling with which the honorable gentleman has discussed this question. If I heard aright, the testimon which feel from the witness is testimony which their from the witness is testimony which utterly disappointed and confounded the counsel for the accused. What was 117 "Nothing was said, said the witness, "in the first conversation about an appeal to the courts; and mail it was said by the President that it was impossible to make up a case by which to appeal to the courts." These declarations of the President, standing in due form, yet not satisfactory to the counsel, are brought up, to be sure, or a question from the honorable Senator from Mary land; but that is not satisfactory to the counsel; are now they tell the Senate that they have a right the cross examine their own witness. For what purpose? I search of the truth, they say. Well, it is pursuit of the truth under difficulties. (Laughter.) The witness has already sworn to matters of fact. That show the naked falsity of the defence interposed here be the President, that his only purpose in violating the President, that his only purpose in violating the has accounted for it by telling this witness that case could not be made up. The learned gentiems who has just taken his seat is too familiar with the awo the country, too familiar with the has accounted for it by telling this witness that case could not be made up. The learned gentiems who has just taken his seat is too familiar with the awo the country, too familiar with the habe adjust cations in this very case in the Supreme Courts.

the transmission of the office of Secretary of War to Mr. L. Thomas; to surrender all the records and properly of the office to him; and in the disobed dience of the Secretary of War to Mr. L. Thomas; to surrender all the records and properly of the office to him; and in the disobed dience of the Secretary of War, or his refusal to obed dience in the President alone through his Atomes in the Case and the Season of the Weston in the Case and to Issue out this write of quote warranto. That is the law which we undertake to say is settled in the case of Walace (5th Wheaton) the opinion of the court being delivered by Chief Justice Marshail, and no member of the court dissenting. It was declared by the Chief Justices as the Opinion of the court being delivered by Chief Justices and Chief Justices and the Chief Justices and the Chief Justices of the Great of the court ment. That power, therefore, was vested in the Attorney General. Let the President answer in some other way than by this declaration sought to be reached by cross-examination of their own winces. But, Senators, there is something more than that in this case, and I desire simply to refer to argument now is substantially and in Lact whether, having violated the constitution and laws of the United States in the manner shown here, they cannot at last strip the people of the power which they retain to themselves by impeachment to hold such mainfactors to answer before the Senate of the Curry Iribanal of Justice on God's footstool. What says they are the constitution are that the Senate shall have the order of the Curry Iribanal of Justice on God's footstool. What has the question to do with the final decision in this case? I say that if your Supreme Court were sitting to-day in judgment on this question it would have no induce over the action of this Senate. The question belongs to the Senate exclusively. The words of the constitution are that the Senate shall have the power to determine the law and the facts arising in the case. It is in vain that the decis

ored to confine myself to that point alone. The day, or the first interview, in which the Preoffered me the appointment ad interim, he cohimself to general terms, and I gave hi
definite answer. The second interview, or
afternoon of the 30th, not the 31st, a
question puts it, was the interview of
which he made the point which I have testifi afternoon of the 30th, not the 31st, as the question puts it, was the interview during which he made the point which I have testified to, and in speaking or referring to the constitutionality of the bil known as the Tenure of Office act, it was the constitutionality of the bil known as the Tenure of Office act, it was the constitutionality of that bill which he seemed desirous of having decided when he said, "If it could be brought before the Supreme Court properly it would not stand half an hour." He also spoke of force. I first said that if Mr. Stanton would simply retire, although it was against my interest, against my desire, against my personal wishes and my official wishes, I might be willing to undertake to administer the office ad interim. Then he supposed that the point was yielded, and I made this point:—"Supposing Mr. Stanton will not yield?" He answered, "Oh, he will make no opposition. You present the order and he will retire." I expressed my doubt, and he remarked, "I know him better than you do. He is cowardly." (Laughter in the Court.) I then begged to be excused from an answer. I gave the subject more reflection and gave him my final answer in writing. I think that letter (if you insist on knowing my views) should come in evidence, and not parole testimony taken of it. But my reasons for decilning the office were mostly personal in their nature.

Senator HENDERSON submitted in writing the following question:—"Did the President on either occasion alluded to express to you a conviction, resolution or determination to remove Mr. Stanton from his office?"

Witness—If by removal is meant removal by force, he never conveyed to my mind such an impression; but he did most unmistakably say that he could have no more intercourse with him in the relations of President and Secretary of War.

Senator Howard Proposed the following question in writing:—"Out say the President spoke of force. What did he say about force?"

Witness—I think it is.

Senator Howard—Is Vat a full answer to the question. On the prese

Mr. BUTLER—That question has been overruled once to-day.

The CHIEF JUSTICE put the question to the Senate, and the Senate refused to admit it.

Mr. STANDERY stated that he had no further questions to ask the witness.

Mr. BUTLER remarked that he did not know that counsel for the President had anything to do with the examination.

The CHIEF JUSTICE asked the Managers whether they desired to cross-examine the witness.

Mr. BINGHAM said they did not at present desire to askapin any questions, but they would probably call him to-morrow.

General Sherman replied—I am sammoned before your committee to-morrow.

Mr. Evalits insisted that the cross-examination should proceed before the witness was allowed to leave the stand.

Mr. Bingham said—We do not propose to cross-examine him at present.

Mr. Bingham said—We do not propose to cross-examine him at present.

Mr. Evahus insisted that the cross-examination should proceed.

Mr. Bingham remarked that the counsel for the President had asked on Saturday for leave to recall the witness and that the Managers made no objection. It was for the Senate to determine whether the Managers might call him to-morrow.

Mr. Evahus said—We have no desire to be restrictive in these rules, but we desire that the vides strictive in these rules.

Art. Evant's sail—we have no desire to be re-strictive in these rules, but we desire that the rules be equally strict on both sides.

The Chief Justices remarked that under the rules the witness should be cross-examined, but that it was a matter for the Senate to say whether they would allow him to be recalled by the Managers to-

morrow.

Mr. BUTLER said this witness had not been called now by the counsel for the President, and therefore we do not cross-examine him. We take our own-course in our way.

Mr. Stanberr asked the witness to read from his book the records of the case of the United States vs. Lorenzo Thomas.

Mr. BUTLER objected on the ground that the docket entry of a court until the record is made up is nothing more than the minutes from which the record is to be extended, and is not evidence.

The CHIEF JUSTICE asked the Managers whether they objected?

Mr. BUTLER—I have objected.

The CHIEF JUSTICE directed the question to be reduced to writing.

Mr. Butler.—I have objected.
The CHEEF JUSTICS directed the question to be reduced to writing.

Being reduced to writing it read as follows:—
"Have you got the docket entries as to the disposition of the case of the United States vs. Lorenzo Thomas! If so, will you produce and read them?"

The CHIEF JUSTICE.—The Chief Justice thinks that this is a part of the same transaction. He will put the question to the Senate if any Senator desires it.

No vote having been called for, the CHIEF JUSTICE directed the witness to answer the question.

The witness handed the record to the reading clerk, who read as follows:—

No. 5,711—United States vs. Lorenzo Thomas.—Warrant for his arrest, issued by honorable Chief Justice Cartier, on the oath of E. M. Stanton, to answer a charge of high misdemeanor, in that he did unlawfully accept an appointment to the office of Secretary of War and inferior; warrant served by the Marshal; recognisance for "his appearance on Monday, the Eth inst.; discharged by Chief Justice Cartier on motion of defendant's counse.

Senator Johnson moved that the court do now adjourn.
Senator Henderson called for the yeas and nays, but they were not ordered.
The question was taken by division, and the motion was carried by 24 to 18.
So the court at forty-five minutes past four o'clock adjourned, and the Senate immediately after adjourned.

MISCELLANEOUS WASHINGTON NEWS

WASHINGTON, April 13, 1868.

The Indian Peace Commission.

Information has been received at the Bureau of Indian Affairs that the Peace Commission are at Laramie, and two hundred lodges of hostile Sloux are there encamped, as well as large numbers of Ogalia-lah and Brule Sloux. Sixteen hundred lodges of Minneconjours, Uncpappas and other bands are on their way, and are expected at Laramie soon.

The Case of General Thomas Against Secre-The Case of General Lorenzo Thomas against Mr.

In the case of General Lorenzo Thomas against Mr.

Stanton for trespass, in having caused his arrest for an alleged violation of the civil Tenure of Office act

by accepting the appointment and attempting to exercise the duties of Secretary of War ad interim, the damages being laid at \$150,000, Mr. A. G. Riddle has entered his appearance for the defendant and filed a plea of "not guilty." General Thomas' counsel, Messrs. Merrick and Cox, have joined, and possibly the case may be placed on the May calendar of the Circuit Court.

Lieutenant General Sherman returned here this morning, after a short visit to New York city, to finish his testimony before the Court of Impeach ment, which, it is thought, will be concluded to-day, after which he will go to New York again, before

leaving for St. Louis.

Unveiling the Lincoln Monument.

The statue of Abraham Lincoln will be unveiled in front of the City Hall on Wednesday next, and the following order of exercises has been adopted for the occasion:—Prayer by the Rev. Dr. Hamilton; Masons; dedication of the statue by the Masonic fraternity; unveiling of the statue; introduction of the artist and benediction. All the societies in the District will parade.

Condition of the New York City Banks.

A Washington despatch to the Evening Telegram gives an abstract of reports to the Comptroller of the Currency of the condition of the national banking ssociations of the city of New York on the morning of Monday, April 6, 1868, before the commencement

| oans and discounts | \$154,399,014 |
|--|---------------|
| teal estate, furniture, &c | 6,790,884 |
| Expense account | 1,371,424 |
| remiums | 1,136,066 |
| Cash items and revenue stamps | 85,724,469 |
| oue from national banks | 8,035,480 |
| oue from other banks and bankers | 939,009 |
| nited States bonds to secure circulation | 42,284,950 |
| inited States bonds to secure deposits | 4,649,000 |
| United States bonds and securities on | |
| band | 14,250,000 |
| Other stocks, bonds and mortgages | 5,054,580 |
| Bills of national banks | |
| Bills of other banks | |
| Specie | |
| Fractional currency | |
| Fractional currency | |
| Legal tenders, plain | |
| | |
| Three per cent certificates | |
| Clearing House certificates | 110,000 |
| Aggregate | 4 300 000 013 |
| LIABILITIES. | \$400,000,210 |
| | \$74,800,700 |
| Capital stock paid in | |
| Surplus fund | |
| National bank notes outstanding | |
| State bank notes outstanding | |
| ndividual deposits | 184,503,355 |
| inited States deposits | |
| Deposits of U. S. disbursing officers | 996 |
| Due to national banks | |
| Due to other banks and bankers | |
| Profit and loss-profits | 7,389,097 |
| Appropria | A000 000 010 |
| | |

Acting Ensign M. McGorman and Acting Master W. D. Maddocks have been placed on leave prior to their

Congress and the Chicago Convention.

[Washington correspondence (April 12) of the Baltimore Sun.]

It has been very generally published that Congress will take a recess of ten days about the time of the Chicago Convention. The matter has been talked of, but the proposition meets with little favor in the Senate, and there is no prospect of that body concurring in it. Doubtiess so many members of the House will go to Chicago as to leave that branch without a quorum, and the Senate, which is always behind the House in business, will have a chance to catch up. The truth is that none of the big work of the session, such as the finances, the tax and the tariff, has yet been entered upon. Senator Sherman has solemnly warned the majority in Congress that they dare not go before the people in the next Presidential election without having devised some acceptable system in regard to the finances and the public debt; and the question of internal taxation is one of scarcely less importance. Then the fight on the tariff will be more bitter than ever this year. The impeachment trial will probably last this month out, so that it will be the list of May before the regular business can be resumed. Most of the large appropriation bills are yet to be acted upon. From this it will be readily seen that there is plenty before Congress to keep it hard at work for three months to come without taking recesses to attend political conventions. Congress and the Chicago Convention

HOUSE OF REPRESENTATIVES.

WASHINGTON, April 13, 1868. PAUL. Mr. WASHBURNE, (rep.) of Ill., offered the following

Mr. Washburne, (rep.) of ill., offered the following preamble and resolution:—
Whereas, it is reported that efforts are being made to procure from the government a transfer to a private company, without consideration, of the island of St. Paul, a territory embraced in the treaty with Russis; and whereas, said island is believed to be very valuable, as being the only home of the neal in the world; therefore.

Be it resolved, that the Committee of Foreign Affairs be directed to inquire into the matter and report to the House such efforts to procure a transfer to a private company of additionally and also in regard to the situation and all other facts connected therewith. The resolution was agreed to.

Mr. Washburne gave notice that in view of legislation he should move a call of the House on legislation he should move a call of the House on

Thursday, in order that gentlemen who are now absent may return by that time.

Mr. Banks, (rep.) of Mass., said that if any business

Mr. Banks, (rep.) of Mass., said that if any business was transacted after a call of the House he would move to take up the House bill for the protection of the rights of American citizens in foreign States, that having the precedence of others.

The Speaker remarked that that was the first business after disposing of the resolution to print forty thousand copies of the speech of Manager Butier.

Mr. Garfield (rep.) of Onio, gave notice that on the return of the House from the Senate he should ask for a vote on the resolution.

Mr. Eldridge (dem. of Wis.) said he should object to the transaction of any business in the absence of a quorum, and he would also object to the resolution unless one was admitted to print the opening speech of Judge Curtis in behalf of the President.

The Speaker said that it would require unanimous consent.

onsent. Mr. Kelso, (rep.) of N. Y., objected.

Mr. Kelso. (rep.) of N. Y., objected.

BILLS INTRODUCED.

Mr. Lynch. (rep.) of Me., introduced a bill to amend an act entitled "An act concerning the registering and recording of ships or vessels," approved December 30, 1792, which was referred to the Committee on Commerce.

Mr. Welker, (rep.) of Ohlo, introduced a bill further to amend the laws of the District of Columbia relative to judicial proceedings therein, which was referred to the Committee for the District of Columbia.

Mr. Committee Committee of the District of Columbia.

referred to the Committee for the District of Columbia.

Mr. Corwin, (rep.) of Ind., introduced a bill to establish a post road from Plainville to Smootsdell,
Ind., which was referred to the Committee on
Post Offices and Post Roads.
On motion of Mr. Baren, (rep.) of Ill., it was resolved that the Secretary of War be instructed to
communicate to the House the report on the Improvement of the harbor at Alton, Ill.

Mr. Starksweather, (rep.) of Count., presented a
petition of H. N. Bedett and one hundred other citizens of New London, Coun., for the repeal of

the special tax on petroleum, which was referred to the Committee on Ways and Means.

Mr. MAYNARD, (rep.) of Tenn., presented the memorial of the Memphis, El Paso and Pacific Railroad Company, of Texas, praying for a grant of public lands and a loan of United States bonds to aid it constructing a continuous railroad and telegraph from Jefferson, Texas, to San Diego, in California, by the way of El Paso, will the authority to make such railroad connections to reach San Francisco, Gusymas Memphis and or any other point on the Atlantic coast and Washington city, under the title of the Southern Transcontinental Railroad.

DEPARTURE FOR THE SENATE.

The members of the House then proceeded to the Senate.

The members of the House then proceeded to the Senate.

THE DEDICATION OF THE LINCOLN MONUMENT.

After the members returned to the House the Speaker laid before them an invitation from the Committee on Arrangements having in charge the dedication of Mr. Lincoln's monument inviting the members to be in attendance on Wednesday next.

Mr. Washburns, of Ill., moved that the Speaker prepare a proper answer to the invitation.

Mr. RADM, (rep.) of ill., suggested that a committee of the House he appointed to attend on the occasion.

The Speaker said of course it was understood that any gentleman who desired could be present, but the House as a body could not, as they had but recently passed a resolution to attend the trial of impeachment.

ment.

THE PRINTING OF MANAGER BUTLER'S SPEECH.

The SPEAKER stated that on the 31st of March to House ordered the previous Committee on Print to print forty thousand copies of Manager Butle opening speech on the impeachment. The questinow recurred, Shall the main question be put?

Mr. Eldridge desired to offer an amendment to tresolution.

resolution.

The SPEAKER replied—That could only be done by unanimous consent.

Mr. Eldridge offered the amendment, which was read for information:—"That there be printed for the use of the House 40,000 copies of the opening argument of the President's counsel, Judge Curlis."

The SPEAKER said that unanimous consent could not make this a new order. By the statutes at large every proposition for printing extra numbers must be referred to the Committee on Printing. No amendment nor unanimous consent can evade the law.

every proposition for printing extra numbers must be referred to the Committee on Printing. No amendment nor unanimous consent can evade the law.

Mr. Eldridge said the Senate amends the House bill for raising revenue.

The Steaker replied that that was a constitutional right; but the rule said that propositions for printing, extra numbers of documents must be referred to the Committee on Printing.

Mr. Eldridge asked that the action on the resolution be delayed, in order that the House might act on it and the amendment at a future time.

The Steaker replied that the committee had already reported on the resolution.

Mr. Eldridge desired that the resolution be referred back to the committee, so as to have the propositions acted upon at the same time part passu.

Mr. Kelsey objected.

Mr. Eldridge said the House would see the resolution could not now pass, as a quorum was not present.

on a division of the House the year were 43

EUROPEAN MARKETS.

LONDON MONEY MARKETT.—LONDON, April 13—1:29-P. M.—To-day is observed almost universally as a holiday, and the market is not open for the transaction of business.

LIVERPOOL COTTON MARKET.—LIVERPOOL, April 13—5-P. M.—The market is firm and prices are advancing. The following are the closing quotations:—Middling uplands, to arrive, 12½d.; middling orleans, 12½d.; middling uplands, to arrive, 12½d.; middling orleans, 12½d. The transactions have been made unofficially and there is consequently no record of the number of bales sold.

LIVERPOOL BREADSTUFFS MARKET.—LIVERPOOL, April 13—5-P. M.—Fork is easier at 55s. per bbl. for Eastern prime mess. Cheese is duil, and has declined to 53s. per cwt. for the best grades of American fine, Lard is firm at 61s. 3d.

LIVERPOOL PRODUCE MARKET.—LIVERPOOL, April 13—5-P. M.—Turpentine is duil, and has declined to 53s. per cwt. Sugar is active, though prices remain unchanged. Petroleum duil and unchanged. Tailow has declined de, and is now quoted at 45s. 6d. per cwt. for American.

A.—CORNS, BUNIONS, BAD NAILS, TENDER FEET, Ac., cured by Dr. J. BRIGGS, Chiroponiat, 208 Broad-way, corner Fulton. Briggs' Curative, a reliable remedy. Sold everywhere. By mail, 60c., \$1 20. -OFFICIAL DRAWINGS OF THE KENTUCKY

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A. State Lottery:

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4, 6, 1, 63, 26, 48, 67, 22, 41, 21, 26, 44, 50,

KENTUCKY STATE—CLASS 275, APRIL 13, 1868,
51, 25, 47, 57, 78, 63, 29, 32, 31, 37, 52, 58,

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Official drawings of the Paducals State Lottery of Kentucky:

EXTRA—CLASS 237, APRIL 13, 1868,
50, 52, 7, 67, 77, 74, 76, 73, 21, 16, 76, 71, 15, 14,
42, 38, 59, 45, 32, 47, 11, 13, 1868,
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BIBLIFY COLL, FOR KRYLA—CLASS 175, APRIL 18, 1988,
6, 78, 28, 59, 3, 29, 20, 41, 43, 62, 47, 7, 50,
816 ELBY COLL, FOR FOR—CLASS 175, APRIL 18, 1988,
45, 25, 17, 78, 31, 22, 57, 2, 4, 50, 18, 11,
81, 20, 43, 9, 32, 36, 117, 4, 20, Managers,

KENTICKY EXTRA—CLASS 21, APRIL 13, 1868,
49, 74, 16, 20, 43, 9, 32, 36, 57, 69, 57, 60, 13,

KENTUCKY—CLASS 22, APRIL 13, 1868,
49, 58, 70, 61, 12, 23, 8, 46, 14, 34, 56, 73,

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